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*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-OOO-**

**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**vs.**

**RAMON DESAGE,**  
**aka, "RAMON ABI-RACHED,"**  
**aka, "RAYMOND ANTOINE ABI-**  
**RACHED,"**

**Defendant.**

**CASE NO: 2:13-CR-00039-JAD-VCF**

**STIPULATION TO CONTINUE  
BRIEFING SCHEDULE ON TAX LOSS**

**(FIRST REQUEST)**

**ECF No. 318**

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Patrick Burns, Assistant United States Attorney, and Richard Wright, Esq., and George Kelesis, Esq., counsel for Defendant Ramon Desage, that the schedule for the parties' briefing on tax loss, be reset so that the government's opening brief is due on March 29, 2019, Defendant Desage's response brief is due on April 12, 2019, and the government's reply is due on April 19, 2019.

This Stipulation is entered into for the following reasons:

1. On February 5, 2019, after the evidentiary hearing in this matter and deciding a subsequent motion, the Court set a briefing schedule on the tax loss to be used in sentencing

1 Defendant Desage. The government's opening brief regarding tax loss is currently due on  
2 February 15, 2019; Desage's response brief is currently due on February 25, 2019, and the  
3 government's reply brief is currently due on March 4, 2019.

4         2. Counsel for the government is currently preparing for a March 11, 2019 trial in  
5 *United States v. Douglas Haig*, 2:18-cr-00256-JCM-VCF, which is a prosecution arising out of  
6 the October 1, 2017, Route 91 festival shooting. Briefing on a dispositive motion in that case  
7 currently requires the government to file a substantive response brief on February 14, 2019,  
8 the day before the government's tax loss brief would be due in this case. The government  
9 intends to file additional motions on its own behalf in that case on or about that same date.  
10 Trial preparation for the case is extensive and involves preparation of numerous exhibits and  
11 witnesses, including expert witnesses in various disciplines and subject matters. Trial is  
12 anticipated to run approximately two weeks, thus counsel for the government requests an  
13 opportunity to prepare its tax loss brief in the latter part of March. Counsel for the government  
14 is the lead and primary trial attorney in the *Haig* case.

15         3. Counsel for the government's receipt of the transcript of the second portion of  
16 the evidentiary hearing appears to have been delayed by the government shutdown, and  
17 counsel is not yet in possession of the transcript. Counsel for the government is the sole and  
18 primary attorney assigned to this case

19         4. Counsel for Desage, Mr. Wright, has limited availability in March due to  
20 necessary personal reasons and his other counsel, Mr. Kelesis, has a preplanned international  
21 absence from the jurisdiction during most of the month.

22         5. In order to provide the Court a meaningful brief that helpfully reconciles the  
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1 disparate views of the parties and their experts, a continuation of the briefing schedule appears  
2 necessary.

3         6.       The parties are conscious of the Court's admonition against enlargement of the  
4 briefing schedule and the need to bring this litigation to a conclusion. This request for a  
5 continuation of the briefing is made for good cause, without an intention to unnecessarily  
6 delay the proceedings, and with the intention to provide the Court the most meaningful  
7 briefing on the tax loss issue.

8 Dated this 8th day of February, 2019

9  
10                               NICHOLAS A. TRUTANICH  
                                  United States Attorney

11               //s//

                              //s//

12 By: \_\_\_\_\_  
13     RICHARD WRIGHT, ESQ.  
     GEORGE KELESIS, ESQ.  
     Counsel for Defendant DESAGE

By: \_\_\_\_\_  
     PATRICK BURNS  
     Assistant United States Attorney

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-OOO-**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RAMON DESAGE,  
aka, "RAMON ABI-RACHED,"  
aka, "RAYMOND ANTOINE ABI-  
RACHED,"**

**Defendant.**

**CASE NO: 2:13-CR-039-JAD-VCF**

**FINDINGS OF FACT AND ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On February 5, 2019, after the evidentiary hearing in this matter and deciding a subsequent motion, the Court set a briefing schedule on the tax loss to be used in sentencing Defendant Desage. The government's opening brief regarding tax loss is currently due on February 15, 2019; Desage's response brief is currently due on February 25, 2019, and the government's reply brief is currently due on March 4, 2019.

2. Counsel for the government is currently preparing for a March 11, 2019 trial in *United States v. Douglas Haig*, 2:18-cr-00256-JCM-VCF, which is a prosecution arising out of the October 1, 2017, Route 91 festival shooting. Briefing on a dispositive motion in that case currently requires the government to file a substantive response brief on February 14, 2019, the day before the government's tax loss brief would be due in this case. The government

1 intends to file additional motions on its own behalf in that case on or about that same date.  
2 Trial preparation for the case is extensive and involves preparation of numerous exhibits and  
3 witnesses, including expert witnesses in various disciplines and subject matters. Trial is  
4 anticipated to run approximately two weeks, thus counsel for the government requests an  
5 opportunity to prepare its tax loss brief in the latter part of March. Counsel for the government  
6 is the lead and primary trial attorney in the *Haig* case.

7 3. Counsel for the government's receipt of the transcript of the second portion of  
8 the evidentiary hearing appears to have been delayed by the government shutdown, and  
9 counsel is not yet in possession of the transcript. Counsel for the government is the sole and  
10 primary attorney assigned to this case

11 4. Counsel for Desage, Mr. Wright, has limited availability in March due to  
12 necessary personal reasons and Desage's other counsel, Mr. Kelesis, has a prescheduled  
13 international absence from the jurisdiction during most of the month.

14 5. In order to provide the Court a meaningful brief that helpfully reconciles the  
15 disparate views of the parties and their experts, a continuation of the briefing schedule appears  
16 necessary.

17 For all of the above-stated reasons, the ends of justice would be served best by a  
18 continuance of the briefing schedule.

19 **ORDER**

20 IT IS ORDERED that the deadline for the government to file its opening brief on the  
21 tax loss issue in *United States v. Ramon Desage*, 2:13-CR-039-JAD-VCF, is reset  
22 to March 29, 2019. The deadline for Defendant Desage to file his response

1 brief is reset to April 12, 2019. And the deadline for the government's  
2 reply brief is reset to April 19, 2019.

3 Dated this 12th day of February, 2019

5 By: 

6 JENNIFER A. DORSEY

7 UNITED STATES DISTRICT COURT JUDGE